amendment of the gentleman from Charles, and I do not accept it. [Laughter.]

Mr. JOHNSON. Then I have not a word to say, and I shall vote for the proposition of the gentleman from Prince George's county.

The question was then stated to be upon agreeing to the amendment of Mr. Jenifer.

Mr. BRENT, of Baltimore city. Is the proposition amendable?

The PRESIDENT. The proposition is not amendable.

The question was then taken on the amendment of Mr. Jenifer, and it was rejected.

The question then recurred on the adoption of the substitute offered by Mr. Bowie.

Mr. BRENT, of Baltimore city, moved to amend the substitute by striking out the words "shall be prescribed by law," and inserting in lieu thereof, the words "shall be fifteen hundred dollars."

Mr. B. said: The gentleman from Frederick seems to think, as I infer from his remarks, that I had advocated that judges should be taken from the learned profession. I am as ultra as he or any other man, and all I desire is consistency. I did not express an opinion whether the judges should come from the legal profession or not, but if the gentleman is consistent, let him move to strike out the clause which provides that the judges of the county courts and of the court of appeals, shall come from the legal profession.

Mr. JOHNSON. I will do it.

Mr. BRENT. Then I will go with the gentleman. If I am not mistaken, I think my friend voted for this very judicial system. He can say whether he did or not. But he says that the words in the amendment proposed by the gentleman from Prince George's county do not confine the judges to the legal profession. To whom, then, does it refer? How can a man be experienced in law unless he is a member of the legal profession, or unless he has been engaged in a large number of lawsuits? The gentleman referred to a person who he says ought to be chief justice, because he has had more litigation than most others. Is that a qualification for judge? I should say that he was the very last man that ought to be upon the bench, because, being a litigious man himself, he will be for making lawsuits.

Mr. SPENCER. What is the language used in all the constitutions on that subject? Is it not the same?

Mr. BRENT. Does it not mean members of the legal profession?

Mr. SPENCER. Have not judges been appointed who were never lawyers?

Mr. BRENT. Can the gentleman specify any instances where persons unlearned in the law and not members of the legal profession, have been appointed? According to my understanding of these terms, according to the gentleman's explanation, they mean members of the legal profession. If they have no force or meaning, they are senseless, and should be discarded If they do not mean members of the legal profession, why not strike them out? Why retain them. I am willing to abolish this thing of having judges of the common law courts and of the orphan's courts from the legal profession, and endorse the doctrine that the people, the entire people, may be trusted by their intelligence and integrity to elect their judges from all classes of citizens, lawyers, farmers, &c. I desire only to be consistent, and if these words mean nothing, let us strike them out to prevent further cavil. I withdraw the amendment.

Mr. BRENT, of Baltimore city. I move to amend the substitute by reducing the number of judges to two, so that there will be one learned in the law, and one not of the legal profession; and I do this for the purpose of enabling me to make a few remarks. I have only to say that it does seem to me that this is the most mongrel judicial system ever heard of. Here is a proposition to have three judges, two of them to be laymen and one to be learned in the law.

Mr. JOHNSON. Experienced in the law.

Mr. BRENT. Well, "experienced in the law." What are they to do? To be *chancellors* as well as judges of the orphans' courts. I have a strong objection to this whole scheme; and I do not believe that you could find any one State in the United States where courts having chancery jurisdiction are to be composed of judges unlearned in the law. If there is such a State, I am not aware of it I consider that the most important cases that can arise any where are usually chancery cases. I know that in Baltimore city, the cases involving the largest amount of property are chancery cases, and these are to be decided by a court, according to the proposition of the gentleman from Prince George's, (Mr. Bowie,) a majority of whom are to be inexperienced and unlearned in the law. In the name of heaven, if such a proposition is to prevail, abolish every clause in your new constitution as already adopted requiring judges to be taken from the legal profession. Go the whole figure, and let them all be laymen and unlearned in the law; put no restriction on them. That is my objection to these associate judges, constituting a majority, exercising chancery jurisdiction, that you depart from a principle already established in regard to the common law judges. I am for letting the orphans' courts remain as they are. I am not for requiring that the judges of the orphans' courts shall be of the legal profession, because I think we have got along very well with the simple mode of procedure in the orphans' courts, by having judges of practical men, farmers, &c., with no technicalities of pleading. And yet this proposes to violate the existing system, by requiring that one judge shall be learned in the law. Can any body tell what is the object of having two associate judges there? For what? Why to be controlled, if they are modest men, by the third judge, who is learned in the law. Why not, then, have one judge at once, and save two-thirds of the expenses? It appears to me to be a mongrel proposition, uniting the orphans' court and the chancery court, and combining the objections of the people to both systems, because you allow a majority to decide in chancery cases, that majority to be unlearned in the law, and not taken from the legal profession at all, thus violating every princi-